

House File 557 - Introduced

HOUSE FILE 557
BY COMMITTEE ON NATURAL
RESOURCES

(SUCCESSOR TO HSB 157)

A BILL FOR

1 An Act relating to trespass and making penalties applicable.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 716.7, subsection 2, paragraph a,
2 subparagraph (1), Code 2021, is amended to read as follows:

3 (1) Entering upon or in property without the express
4 permission of the owner, lessee, or person in lawful possession
5 with the intent to commit a public offense, to use, remove
6 therefrom, alter, damage, harass, or place thereon or therein
7 anything animate or inanimate, or to hunt, fish, or trap on
8 or in the property, including the act of taking or attempting
9 to take a deer, other than a farm deer as defined in section
10 170.1 or preserve whitetail as defined in [section 484C.1](#), which
11 that is on or in the property by a person who is outside the
12 property. This subparagraph does not prohibit the unarmed
13 pursuit on foot of game or fur-bearing animals by a person who
14 lawfully injured or killed the game or fur-bearing animal ~~which~~
15 that comes to rest on or escapes to the property of another.

16 Sec. 2. Section 716.7, subsection 2, paragraph a, Code 2021,
17 is amended by adding the following new subparagraph:

18 NEW SUBPARAGRAPH. (8) The free casting of a dog or dogs
19 from the road right-of-way or from an adjacent property onto
20 adjoining property without the permission of the adjoining
21 property landowner or tenant in the pursuit of coyote. For
22 purposes of this subparagraph, "*free casting*" means the
23 intentional release of an unleashed dog to trail or track game.
24 A person who trespasses pursuant to this subparagraph shall
25 be subject to civil damages as provided in sections 481A.130
26 and 481A.131. A coyote taken while trespassing under this
27 subparagraph shall be subject to seizure as provided in section
28 481A.12.

29 EXPLANATION

30 The inclusion of this explanation does not constitute agreement with
31 the explanation's substance by the members of the general assembly.

32 This bill relates to trespass.

33 The bill provides that trespass does not include the unarmed
34 pursuit on foot of game or fur-bearing animals by a person who
35 lawfully injured or killed the game or fur-bearing animal that

1 comes to rest on or escapes to the property of another.

2 The bill provides that trespass includes the free casting of
3 a dog or dogs from the road right-of-way or from an adjacent
4 property onto adjoining property without the permission of
5 the adjoining property landowner or tenant in the pursuit of
6 coyote. "Free casting" means the intentional release of an
7 unleashed dog to trail or track game.

8 A person who commits trespass commits a simple misdemeanor,
9 aggravated misdemeanor, serious misdemeanor, or class "D"
10 felony depending on the circumstances of the offense.

11 In addition, a person who violates the provisions of the
12 bill is subject to existing civil damages in Code chapter 481A
13 relating to unlawfully taking an animal. A coyote taken by
14 a person while the person is violating the provisions of the
15 bill is subject to seizure by the director of the department of
16 natural resources or a peace officer.